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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
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11 DAVE NAGY,

12 Plaintiff,

13 v.

14 GROUP LONG TERM DISABILITY  
15 PLAN FOR EMPLOYEES OF  
16 ORACLE AMERICA, INC., and  
17 HARTFORD LIFE AND  
18 ACCIDENT INSURANCE  
19 COMPANY,

20 Defendants.

Case No. 4:14-cv-00038-HSG  
[Related to Case No. 4:16-cv-05309-  
HSG]

**AMENDED ORDER RE  
JUDGMENT FOR “OWN  
OCCUPATION” BENEFITS**

21 On June 9, 2016, this Court entered judgment awarding Plaintiff, Dave Nagy,  
22 \$31,106.70 in benefits plus \$5,000 prejudgment interest, and remanding this case to  
23 Defendants for consideration of additional benefits under the “any occupation”  
24 definition of disability. This judgment was appealed by Defendants to the Ninth  
25 Circuit Court of Appeals. On September 9, 2016, Defendants posted \$50,000 cash  
26 with the Clerk of this Court to secure payment of the judgment. On June 21, 2018,  
27 the Ninth Circuit issued its Memorandum in which it affirmed this judgment, but  
28 reversed and remanded the related appeal on attorneys’ fees. A mandate issued  
from the Ninth Circuit on July 16, 2018. The parties have met and conferred [Dkt.

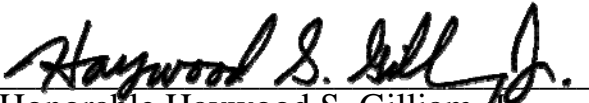
1 No. 171] and state that they agree as follows:

2 The Clerk shall pay the sum of \$36,106.70 plus post judgment interest of  
3 \$1,217 for a total of \$37,323.70 from the \$50,000 deposited by Defendants on  
4 September 9, 2016, payable to Dave Nagy, and delivered to Mr. Nagy's counsel,  
5 Laurence F. Padway. The Clerk shall return remaining funds plus interest earned or  
6 accrued interest by issuing a check payable to one Defendant, Hartford Life and  
7 Accident Insurance Company, and delivered to Hartford's counsel, Michael B.  
8 Bernacchi.

9 Upon payment being made by the Clerk, the judgment of June 9, 2016, shall  
10 be satisfied.

11 IT IS SO ORDERED.

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13 Dated: September 6, 2018

  
14 Honorable Haywood S. Gilliam, Jr.  
15 United States District Judge  
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